



## Welcome to the DEP Commissioner's Spill Reporting Regulation Advisory Committee

Kick-off Meeting  
October 31, 2007



## Welcome and Introductions



## Agenda



- Welcome and Introductions
- Charge to the Advisory Committee
- Operating Protocols
- Overview of Spill/Release Activity
- Background Information – CGS & Past Initiatives
- Open Discussion – Workgroup Tasks
- Next Step – Call for Participants to Serve on Workgroups

## Commissioner Gina McCarthy





- Look forward to your input and expertise, we've tried this before but this time we will succeed.



- Your role is to help us think thru and understand the implications, ramifications and decision points as we work thru what should be reported
  - Definitions
  - Criteria
  - Exceptions
  - Information needs
  - Recordkeeping
  - Etc.....



- It is the intention of the DEP to move in the direction of bridging the reporting regulations with the affirmative duty to clean-up, with timeframes.



## Charge

- The Advisory Committee is charged with advising the DEP on the reporting of releases of hazardous chemicals and petroleum products.
- Your role is advisory; I need your help but there will be areas where we won't agree, that's okay;

## Statutory Responsibility and Authority for Regulation



- Authority for Regulation found under Section 22a-450 of the Connecticut General Statutes (CGS)
  - Purpose for regulation is to provide **greater specificity** as to the types of releases to be reported and the **manner** in which such releases must be **reported** to the DEP.

## Co-Chairs



- **Carol Violette – Environmental Consultant**
- **Mark DeCaprio – DEP, Director, Emergency Response and Spill Prevention Division**

## Operating Protocols Co- Chair



**Carol Violette**  
**Environmental Consultant**

## Formation of Advisory Committee



The mission of the Advisory Committee is to develop recommendations for a strategy to define the reporting of releases to the DEP under CGS, Section 22a-450.

## Advisory Committee Goals



- ❑ Clearly identify and articulate notification requirements for the regulated community;
- ❑ Promote reporting compliance and the ability to use enforcement for instances of noncompliance; and,
- ❑ Evaluate and consider cleanup required.

## Advisory Committee Structure



- CT Stakeholder Process 2007 through 2009
- Convene Advisory Committee
  - It is the intention of the DEP to move in the direction of bridging the reporting regulations with the affirmative duty to clean-up, with timeframes.
  - **Most of the work to be conducted in 2008.**
  - Broad representation of stakeholders and a very diverse audience.
  - Form workgroups to accomplish specific tasks.
  - All meetings open to the public.
  - Establish specific meeting dates and times for the next 12 month period.
  - Promote communications by use of DEP website, generic e-mail [dep.mmcadvcomm@state.ct.us](mailto:dep.mmcadvcomm@state.ct.us). **Requesting all comments to be email.**

### Advisory Committee Tasks

### Commissioner's Proposed Dates

Forming of Committee	Fall 2007
Hold 1 <sup>st</sup> Meeting of Committee	October 31, 2007
Establish Workgroups	October 31, 2007
Hold Meetings	October 2007–October 2008
Finalize Draft Regulation and Obtain AG's Informal Approval	December 2008
Publish Notice of Public Hearing	December 15, 2008
Hold Public Hearing	January 2009
Draft/Finalize Hearing Officer's Report	March 2009
Submit to AG's for Approval (formal)	March 2009
Forward Package to Regulation Review	May 2009
Receive Regulation Review Approval	June 2009



## Stay Informed of Advisory Committee Activities Sign up to the DEP-SPILLAdvComm Listserve



- To stay informed of the Advisory Committee activities, subscribe to our DEP-SPILLAdvComm list serve by following the steps outlined on the next slide.
- You will receive email notification of meetings and general Advisory Committee related postings.
- Copies of instructions can be found on table near the exit and also on the Release Reporting Advisory Committee web page.

## Advisory Committee Schedule Two Hour Sessions

### 2007 Schedule

October 31  
December 11

### 2008 Schedule

January 8  
February 13  
(Wednesday)  
March 11  
April 8  
May 13  
June 10  
July 8  
August 12  
September 9  
October - TBA  
November 12  
(Wednesday)  
December 9

### 2009 Schedule

To be announced, if  
needed.



## Overview of State DEP Emergency Response Activity

Mark DeCaprio  
Director, DEP  
Emergency Response and Spill Prevention  
Division – separate presentation

## Background Information Past Initiatives (Overview)

Peter Zack  
Assistant Director, DEP  
Emergency Response and Spill Prevention  
Division



## Where do we start as an Advisory Committee?

Over the years, several recommendations were made by individuals, committees and the DEP to define the reporting of accidental releases of hazardous chemicals or petroleum products to the DEP in accordance with Section 22a-450 of the CGS.



## Timeline Legislation and Initiatives



1987 (October)	DEP draft regulations
1994 (November 2) Public Hearing	DEP draft regulations. Public Act 92-162 (Permit Streamlining Bill) Section 22a-450
1995	Legislative change to CGS, <b>Section 22a-450</b> , Report of discharge, spill, loss, seepage or filtration. (Public Act 95-218)
1998	Legislative change to CGS, <b>Section 22a-6u</b> , Reporting of certain significant environmental hazards required. (Public Act 98-134)
2000	Legislative change to CGS, <b>Section 22a-450</b> , Report of discharge, spill, loss, seepage or filtration. (Public Act 00-175)
1998 (January)	Report prepared by the Spill Notification Regulations Subcommittee

## 1995 Legislation



- Public Act 95-218 added a provision specifying that spills required to be reported under Section 22a-450 of the CGS are those which pose a potential threat to human health or the environment.

## 1998 Legislation



- Public Act 98-134 added provisions to Section 22a-6u of the CGS regarding the reporting of certain significant environmental hazards.
  - Established a policy and procedures for the reporting of significant environmental hazards by environmental consultants and owners of contaminated real property.
  - Ensures that if those investigations uncover significant environmental hazards, the DEP will be notified in an appropriate time frame and will allow the DEP to respond in a manner that will ensure the protection of public health and safety.

## 1998 Legislation 22a-6u (Public Act 98-134) *continue*



- Requires the owner of the contaminated property to notify the DEP of the contamination once he becomes aware of it and in some circumstances requires the TEP (anyone who investigates and remediates pollution to the state's soil or water, including a licensed environmental professional, who may be directly employed by or retained as a consultant by a public or private employer) to notify the department, if the owner does not.
- The law specifies that neither these provisions nor any other action taken under these provisions affects the commissioner's authority under any other law.

## 2000 Legislation



- Public Act 00-175 added provisions to Section 22a-450 of the CGS regarding penalties for failing to make a report relating to the discharge, spillage, uncontrolled loss, seepage or filtration of gasoline, effective July 1, 2000.

## Past Initiatives *(continue)*



January 31, 1998

- Spill Notification Regulations Subcommittee Report
  - Recommended Strategy for Release Reporting
  - Goal was to advise the DEP on the reporting of releases of hazardous chemicals or petroleum products
  - Expressed goal was to develop recommendations for a strategy to define the reporting of releases to the DEP under Section 22a-450 of the CGS.

## 1998 Subcommittee Opinions



- Recommended nine elements to the DEP as a good strategy for developing a release reporting program.
- Subcommittee consisted of 43 members:
  - 21 affiliated with business or industry
  - 3 with State or local government
  - 7 with law firms
  - 7 with environmental consulting firms
  - 3 environmental advocacy groups
  - Two with fire Departments

## All Stakeholders Can Be Satisfied



- The DEP recognizes the very diverse audience has a stake in release reporting.
- The “Nine Recommendations” outlined by the 1998 Report accommodates different perspectives however emphasizes those common views.
- It is the intention of the DEP to move in the direction of **bridging** the reporting regulations with the affirmative duty to clean-up, with timeframes.

## Begin the Process by Examining the 1998 Recommendations



1. Define terms and concepts clearly.
2. Carve out Non-Reportable Conditions.
3. Carve out Exceptions to Reporting Requirements.
4. Specify Clear Thresholds for Reporting Releases.
5. Clarify How to Determine a Need to Report.
6. Allow Reporting Flexibility for Qualified Facilities.
7. Avoid Imposing Internal Functions that Add No Value.
8. Test Each Program Element vs Criteria.
9. Develop Outreach Program.

## Examine the Regulations of CT State Agencies Sections 22a-450-1 to 22a-450-7 Concerning the Reporting of Releases

Draft 6/8/94



- Definitions
- Reporting Criteria
- Exceptions
- Reporting Procedure; Mitigation, Removal and Disposal
- Information to Report
- Recordkeeping for Non-Reportable Releases to Impermeable Containment Systems or Surfaces
- Applicability to Pre-Existing Conditions

## Open Discussion Workgroup Tasks



Facilitators - Co-chairs

Discussion points to be displayed on  
screen so all audience can view

## Next Steps



- Establish workgroups (proposed) to discuss specific topics.



## Questions

The DEP is accepting  
written comments by  
email:

[dep.mmca@po.state.ct.us](mailto:dep.mmca@po.state.ct.us)



### DEP Website to Visit

[http://www.ct.gov/dep/dep/vls/water/2008/07/07/046-dep-Sew\\_GDD-1511](http://www.ct.gov/dep/dep/vls/water/2008/07/07/046-dep-Sew_GDD-1511)

To stay informed of the  
Advisory Committee  
activities, please  
subscribe to our DEP-  
SPILLAdvComm list  
serve.

Instructions on the DEP  
website and/or take a copy  
found on table near exit.

## Next Meeting

**Date:** December 11, 2007

**Location:** DEP  
Russell Hearing Room  
3<sup>rd</sup> Floor  
Hartford, CT

**Time:** 9:30 am